

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

VINCENT EDWARD TURNER,

Petitioner,

vs.

HOWARD SKOLNIK, *et al.*,

Respondents.

3:09-cv-00219-RCJ-RAM

**ORDER**

This action is a petition for a writ of habeas corpus, pursuant to 28 U.S.C. §2254, filed by Vincent Edward Turner, a Nevada prisoner represented by counsel. Petitioner has filed an amended motion to reopen this habeas corpus case (ECF #57).

This action was dismissed without prejudice, and the case closed administratively, pursuant to an order entered September 20, 2010 (ECF #36). Respondents' motion to dismiss was granted in part because petitioner had a postconviction habeas petition pending in state district court.

Petitioner's further state-court proceedings have apparently concluded; petitioner has now returned to this court seeking to reopen this case (ECF #57). Respondents have filed a response to the motion (ECF #58). In the interest of justice, the court will grant petitioner's motion to reopen this case.

1           Also before the court are several motions filed by petitioner: motion for clarification  
2 (ECF #54); motion to substitute attorney (ECF #59); motion for judgment on the pleadings (ECF #60);  
3 and motion for granting relief due to ineffective appellate counsel (ECF #61). The gravamen of these  
4 motions is that petitioner was concerned that his counsel had missed filing deadlines and otherwise was  
5 not taking appropriate action to litigate this petition. However, no action was required of the parties  
6 while the amended motion to reopen the case was pending. Accordingly, petitioner's motions will be  
7 denied. By this order, this case will be reopened and petitioner will be directed to file, through counsel,  
8 a second amended petition and any supplemental exhibits.

9           **IT IS THEREFORE ORDERED** that petitioner's amended motion to reopen this action  
10 (ECF #57) is **GRANTED**.

11           **IT IS FURTHER ORDERED** that the Clerk shall **REOPEN THE CASE**.

12           **IT IS FURTHER ORDERED** that petitioner shall have **thirty (30) days** from the date  
13 of entry of this order to file and serve an amended petition and supplemental exhibits. Supplemental  
14 exhibits shall be labeled in sequential order consistent with the exhibits already filed in this case.

15           **IT IS FURTHER ORDERED** that respondents shall have **thirty (30) days** following  
16 service of the amended petition to file and serve an answer or other response to the amended petition.  
17 In their answer or other response, respondents shall address any claims presented by petitioner in his  
18 petition as well as any claims presented by petitioner in any Statement of Additional Claims.  
19 Respondents shall raise all potential affirmative defenses in the initial responsive pleading, including  
20 lack of exhaustion and procedural default. **Successive motions to dismiss will not be entertained**. If  
21 an answer is filed, respondents shall comply with the requirements of Rule 5 of the Rules Governing  
22 Proceedings in the United States District Courts under 28 U.S.C. §2254.

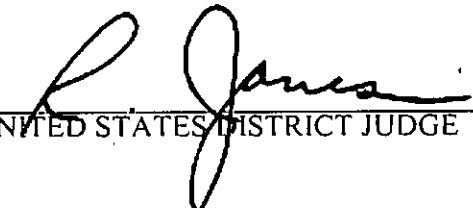
23           **IT IS FURTHER ORDERED** that if an answer is filed, petitioner shall have **thirty (30)**  
24 **days** following service of the answer to file and serve a reply brief.

25           **IT IS FURTHER ORDERED** that the hard copy of any additional state court record  
26 exhibits shall be forwarded – for this case – to the staff attorneys in Reno. The parties are encouraged

1 to consult on joint exhibits and/or to avoid duplicative filing of exhibits.

2 **IT IS FURTHER ORDERED** that the following motions filed by petitioner: motion  
3 for clarification (ECF #54); motion to substitute attorney (ECF #59); motion for judgment on the  
4 pleadings (ECF#60); and motion for granting relief due to ineffective appellate counsel (ECF #61) are  
5 all **DENIED**.

6  
7 Dated this 30th day of January, 2013.

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10 UNITED STATES DISTRICT JUDGE  
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